

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA]	
]	No. 14-40028-TSH
v.]	
]	
JAMES MERRILL and]	
CARLOS WANZELER]	

**REPORT IN RESPONSE TO COURT'S ORDER
FOLLOWING SEVENTH STATUS CONFERENCE**

On September 25, 2015, following a status conference, the Court issued an order requiring the parties, at the status conference scheduled for October 9, 2015, to address certain scheduling issues. The parties have conferred and this report summarizes the parties' views on those issues.

I. Timing of Government FRE 702 Disclosure for Financial Expert

If the government decides to call a financial expert to testify concerning the sources and nature of TelexFree's revenue, it suggests identifying that person within six weeks of the October 9, 2015, status conference.

As to the FRE 702 disclosure for any such witness, the government submits that a deadline for that disclosure depends on the trial date. The District Court recently issued an order setting a trial date of April 4, 2016. The government suggests providing an expert disclosure three months before that date, with the defense providing any disclosure of its own six weeks before trial.

The parties, however, agree that, because of the sheer size and complexity of the body of evidence underlying this case, the current trial date may be unrealistic. The parties have discussed suggesting a date in October 2016. In any event, if the trial date is moved, the

government would be able to commit to providing a disclosure farther in advance of trial (on that note, the parties have discussed a date of five months before an October trial date).

II. Defense Timing for Loading Discovery Productions

According to counsel for James Merrill, discovery productions are being loaded into a database on a rolling basis and counsel anticipates completing that process (with regard to discover provided to date) within four weeks of the October 9, 2015, status conference. Total completion depends, of course, on the nature and size of any additional productions by the government.

III. Defense Timing for Submitting Discovery Letters

Counsel for Mr. Merrill suggests a deadline of six weeks after the October 9, 2015, status conference for submitting discovery letters under Local Rule 116.3(a).

Respectfully submitted,

Carmen M. Ortiz
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By: /s/ Andrew Lelling
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Date: October 8, 2015

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent to those indicated as non-registered participants, on October 8, 2015.

/s/ Andrew Lelling
Andrew E. Lelling